

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES LUNDY,

Plaintiff,

Case No. 12-cv-10965
HON. GERSHWIN A. DRAIN

v.

CITY OF PONTIAC, *et al.*,

Defendant.

_____/

ORDER DENYING DEFENDANTS' MOTION FOR RECONSIDERATION [#55]

On June 26, 2013, this Court entered an Order denying Defendants' Motion to Compel More Specific Answers to Plaintiff's Witness Interrogatories and granting Plaintiff's Emergency Motion to Quash and/or Strike Defendant's Notice of Deposition. See Dkt. No. 48. The Court's June 26, 2013 Order found that Defendants failed to promptly enforce their discovery rights, which can be construed by the court as a waiver. *Choate v. National Railroad Passenger Corp.* 132 F. Supp. 2d 569, 574 (E.D. Mich. 2001). "Repeated promises of an opponent to respond to discovery is an insufficient justification for failing to timely enforce discovery rights." *Id.*

The Court's Order further recognized that the Court had already extended discovery in this case to May 29, 2013 and the dispositive motion cutoff date to June 15, 2013. Consequently the Court found no reason to allow a deposition after discovery has closed and the deadline for filing dispositive motions has passed. In the present motion,

Defendants request that the Court reconsider its decisions on both accounts.

Motions for Reconsideration are governed by Local Rule 7.1(g)(3) of the Local Rules of the United States District Court for the Eastern District of Michigan, which provides:

[M]otions for rehearing or reconsideration which merely present the same issues ruled upon by the court, either expressly or by reasonable implication, shall not be granted. The movant shall not only demonstrate a palpable defect by which the court and the parties have been misled but also show that a different disposition of the case must result from a correction thereof.

E.D. Mich. L.R. 7.1(g)(3). Here, Defendant identifies no palpable defect by which the Court has been misled. Accordingly, Defendants' Motion for Reconsideration [#55] is DENIED.

SO ORDERED

Dated: October 2, 2013

/s/ Gershwin A. Drain
GERSHWIN A. DRAIN
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
October 2, 2013, by electronic and/or ordinary mail.

/s/ Tanya Bankston
Deputy Clerk